

### **REMARKS**

Applicant would like to thank Examiner Edwards for her analysis and detailed review and for thoughtful consideration of Applicant's Amendment and Response to First Office Action.

Claims 29-71, 96, and 101-112 are presently pending in this application. Claims 1-28, 72-95, and 97-100 have been cancelled without prejudice. Claims 38, 56, 69, and 96 have been amended. Claims 101-112 are new. Claims 38-51, and 65 are allowed. Claims 29, 38, 39, 40, 56, 62, 65, 69, 96, and 101 are independent claims. Claims 38-51 and 65 are allowed. Claims 53-55 and 58 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Restriction of Previously Submitted Claims 87-96, 97-100**

The Examiner indicated that the previously submitted claims 87-95, 97-100 would require further examination and/or search for distinct channel configurations, and would place an undue burden on the Examiner. Applicant has cancelled claims 87-95 and 97-100, without prejudice.

#### **Allowed Subject Matter**

Applicant greatly acknowledges Examiner's indication that claims 38-51, and claim 65 are allowed. Regarding claim 38, Applicant has made an amendment to more distinctly claim the invention and believes such change will not alter the prior recognition of the allowance.

### **Allowable Subject Matter**

Applicant greatly acknowledges Examiner's indication that claims 53-55 and 58 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has reviewed the subject claims and respectfully declines to make the change as mentioned by the Examiner, and submits that for the reasons set forth below, no such requirement is necessary.

### **Claim Rejections – 35 U.S.C. Section 102(b)**

Claims 56, 57, and 59-61 were rejected under U.S.C § 102(b) as being anticipated by U. S. Patent No. 4,953,734 to Stohr.

Claim 56 has been amended to more distinctly claim the invention and to overcome and patentably distinguish over the cited art. In that regard, during the telephonic interview on August 28, 2006, the Examiner addressed an interpretation of the Stohr patent and particularly the language of claim 56 directed to “the post wing end abutting the second lip.” The Examiner said she uncovered a dictionary definition of the term “abut” which includes “in proximity”, or, to “lie adjacent”, which she mentioned “implies a state where items are not touching.” The Examiner agreed that language specifying a contacting arrangement would be distinguishing. Accordingly, Applicant has amended the claim to include at least a partial contacting arrangement.

As amended, independent claim 56 includes, among other features, a second lip oriented at an acute angle with respect to a first lip, and a post including a post wing having a post wing terminal end, at least a portion of the post wing terminal end contacting the second lip. While the profile 2'd of Stohr may “abut” or be

complementary with profile 2d (See Col. 2, lines 48-51, and Fig. 7 as referenced by the Examiner), Stohr lacks the feature of at least a portion of a post wing terminal end contacting the second lip. Accordingly, Stohr cannot anticipate the invention of claim 56, or claims depending therefrom. Applicant respectfully requests withdrawal of the rejection.

Regarding new independent claim 101, Stohr lacks the claimed feature of a first lip and a second lip defining a hook corner, and further lacks a post wing which at least in part contacts the second lip at the hook corner. Accordingly, Stohr cannot anticipate the invention of new independent claim 101.

Regarding new claim 102 which depends from claim 101, Stohr cannot anticipate or render the invention obvious in that Stohr lacks a post wing terminal end, at least a portion of the post wing terminal end contacting the second lip.

Claims 69-71 were rejected under U.S.C § 102(b) as being anticipated by U. S. Patent No. 5,725,201 to Parth.

Claim 69 has been amended to more distinctly claim the invention and to overcome and patentably distinguish over the cited art. Independent claim 69 includes, among other features, a second lip oriented at an acute angle with respect to a first lip, and an adjacent panel having a third lip where the third lip has a terminal end where at least a portion of the terminal end contacts the second lip. Parth lacks the feature of having a third lip with a terminal end where at least a portion of the terminal end contacts the second lip.

Regarding new claim 103 (which depends from claim 69), the prior art, and

including Parth and R. Watson, Jr., U.S. Patent No. 3,397,500 (See, e.g., Fig. 7), lacks the feature where the entirety of the third lip abuts the first lip.

Regarding new claim 104, the prior art lacks the feature where the third lip abuts the entirety of the first lip.

Regarding new claim 107, the prior art, including R. Watson, Jr., U.S. Patent No. 3,397,500, lacks the features of the base claim, together with a first lip extending generally perpendicular to a first side member of the one of the panels. New claim 108 depends from claim 107 and is therefore also allowable over the prior art.

Claim 96 was rejected under U.S.C § 102(b) as being anticipated by U. S. Patent No. 3,290,850 to Byrne, Jr. et al..

Claim 96 has been amended to more distinctly claim the invention and to overcome and patentably distinguish over the cited art. Independent claim 96 includes, among other features, at least three walls generally bounding a space, at least one of the walls including a channel positioned at an exterior side of the spray booth and opposite the generally bounded space. Byrne, Jr. et al lacks such features. Instead, Byrne, Jr. et al pertains to a panel system that is interposed between light source and room to provide a luminous ceiling. (Col. 2, lines 16-18) The panel system may also be adapted to use as a luminous wall panel, and fastened to the wall, for example, by nails through the flanges or other convenient means. (Col. 2, lines 19-23). Whether Byrne, Jr. et al utilizes a ceiling position, a wall position, or a combination of both, it nonetheless lacks a spray booth structure having three walls generally bounding a space and lacks at least one of the walls having a channel positioned at an exterior side

of the booth and opposite the generally bounded space.

Regarding claim 109, Byrne, Jr. et al at least lacks a first panel which is non-translucent.

### **Claim Rejections – 35 U.S.C. Section 103(a)**

Claims 29-37, 52, 62-64 and 66-71 were rejected under U.S.C § 103(a) as being unpatentable over U.S. Patent No. 4,953,734 to Stohr. Applicant respectfully traverses this rejection.

Applicant's invention recited in the rejected claims is not obvious in light of Stohr under 35 USC Section 103. The Examiner is respectfully reminded that in determining whether one of ordinary skill in the art would make such modifications, it is improper to look to the Applicant's claimed invention as a blueprint. Such hindsight reconstruction of a claimed invention has repeatedly been criticized.

As referenced in Applicant's prior response (Amendment and Response to First Office Action) Stohr does not disclose several features of the claimed invention. Thus, unless one of ordinary skill in the art would be lead to modify the device taught in Stohr to obtain a device having all the features of the claimed invention, the claimed invention is patentably distinct thereover.

Since this rejection is based on a single reference, that reference must at least suggest all the features of the claimed invention to one of ordinary skill in the art. However, on its face, Stohr does not suggest to one of ordinary skill in the art modification of the cabin-like cover or construction of Stohr in a manner which would

provide the claimed invention (all or any of the present claims). While Stohr may suggest (at Col. 1, lines 41-45 as mentioned by the Examiner) to modify its construction such that the bends continue to butt against one another, there is no suggestion to make a modification where the second lip extends from an outward end of the first lip while maintaining the acute angle as claimed. Nor is there any suggestion to modify Stohr to include any of the other structures as claimed by Applicant.

The Examiner references language in Stohr that suggests there are a number of possible constructions for the connection of adjacent wall elements by means of bends which butt against one another. However, such reference is not sufficient to support the rejection. The structure of the apparatus shown in Stohr is such that having the second lip extending from an outward end of the first lip (even if making such a change to the Stohr construction were possible) would not operate as does the structure of the claimed invention. Moreover, there is no showing that the device of Stohr is even capable of having a second lip extend from an outward end of a first lip, where the second lip is also at an acute angle with respect the first lip as claimed. Applicant submits that one of ordinary skill in the art would not think to alter the shape or features of the Stohr construction in the manner claimed by Applicant.

While there may be mention that modification of the Stohr construction might somehow be possible, it is outside the purview of one in the art, without improperly looking at Applicant's invention as a blueprint, to modify the second lip to extend from the first lip at an outward end of the first lip. Any such modification to the Stohr construction must also result in the claimed structure where the second lip is oriented at an acute angle with respect to the first lip, and making such a modification to comply

with this claimed feature is also outside the purview of one in the art. Even if an outward end placement were somehow workable, and even if it were within the purview of one in the art to do so, there is no suggestion that the second lip 2d of the hypothetically modified structure be oriented at an acute angle with respect to the first lip (irrespective of how the bends of Stohr are modified to somehow produce abutting bends). In sum, to both modify Stohr such that A) the second lip 2d extends from an outward end of the first lip 2d, and B) while accomplishing A, to orient the second lip 2d at an acute angle with respect to first lip 2d of the hypothetically modified configuration, is not obvious to one of skill in the art. There is no support that making such a modification would even be possible or workable with the Stohr construction; and one skilled in the art, even if compelled to consider Stohr would not be lead to make (or would not be able to modify the Stohr construction to make) the claimed modification.

For all the forgoing reasons, the invention set forth in Applicant's independent claim 29, and claims dependant thereon, patentably distinguish over Stohr. Withdrawal of this rejection is warranted and earnestly requested.

Regarding independent claim 62, one skilled in the art would not be lead to modify the first lip 2d of Stohr to be oriented substantially parallel to the at least one of the panels since to do so would frustrate the snap-in connection (i.e., there is no showing that if lip 2d were parallel to one of the panels, that bend 2'a would be able to insert or abut for snap-in connection as referenced in Stohr (see Col. 2, lines 48-51, and Fig. 7)). Moreover, even if it were possible to do so, and even if one skilled in the art

were inclined to change the angle of lip 2d, it would not be obvious to orient lip 2d at a substantially parallel angle to the at least one of the panels (all while at the same time maintaining the second lip 2d at an acute angle orientation with respect to the first lip 2d as claimed).

For all the forgoing reasons, the invention set forth in Applicant's independent claim 62, and claims dependant thereon, patentably distinguish over Stohr, and withdrawal of this rejection is warranted and earnestly requested.

Regarding independent claim 69 (as amended), one skilled in the art would not be lead to modify the first lip 2d of Stohr to extend generally perpendicular to a first side member of one of the panels or to have at least a portion of a terminal end of a third lip contact a second lip. To do so would frustrate the snap-in connection (i.e., there is no showing that if lip 2d were generally perpendicular to a first side member of one of the panels (even if that were capable), that bend 2'a would be able to insert or connect for snap-in connection as referenced in Stohr (see Col. 2, lines 48-51, and Fig. 7)).

Moreover, even if it were possible to do so, and even if one skilled in the art were inclined to change the angle of lip 2d, it would not be obvious to orient lip 2d at a generally perpendicular angle to a first side member of the at least one of the panels (all while at the same time maintaining the second lip 2d at an acute angle orientation with respect to the first lip 2d as claimed). Further, it is not obvious to accomplish any of the forgoing hypothetical changes while also including a terminal end of a third lip where at least a portion of the terminal end contacts the second lip as claimed.

For all the forgoing reasons, the invention set forth in Applicant's independent claim 69, and claims dependant thereon, patentably distinguish over Stohr, and



withdrawal of this rejection is warranted and earnestly requested.

Further, there is no suggestion in Stohr, and it is not obvious to one of skill in the art, that the constructions of Stohr are even capable of having any of the further features as presented in the new dependent claims as addressed below.

Regarding new claim 103, which depends from claim 69 and includes all the limitations thereof, it would not be obvious to modify Stohr such that the entirety of a third lip abuts the first lip.

Regarding new claim 104, which depends from claim 69 and includes all the limitations thereof, it would not be obvious to modify Stohr such that a third lip abuts the entirety of the first lip as claimed.

Regarding new claim 105, which depends from claim 69 and includes all the limitations thereof, it would not be obvious to modify Stohr such that the entirety of a third lip abuts the entirety of the first lip within at least a portion of the channel as claimed.

Regarding new claim 106, which depends from claim 69 and includes all the limitations thereof, it would not be obvious to modify Stohr such that the second lip extends from an outward end of the first lip.

Regarding new claim 107, which depends from claim 69 and includes all the limitations thereof, it would not be obvious to modify Stohr such that the first lip extends generally perpendicular to a first side member of the one of the panels.

## **CONCLUSION**

Applicant respectfully submits that all outstanding rejections or objections have been addressed and are now either overcome or moot. Applicant further submits that all claims pending in this application are patentable over the prior art made of record. Reconsideration and withdrawal of the rejections is respectfully requested.

Applicant's undersigned attorney may be reached by telephone at (715) 835-5232 or by facsimile at (715) 835-9890. All correspondence should be directed to the below listed address.

Respectfully Submitted,

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